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International Narcotics Review

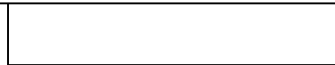
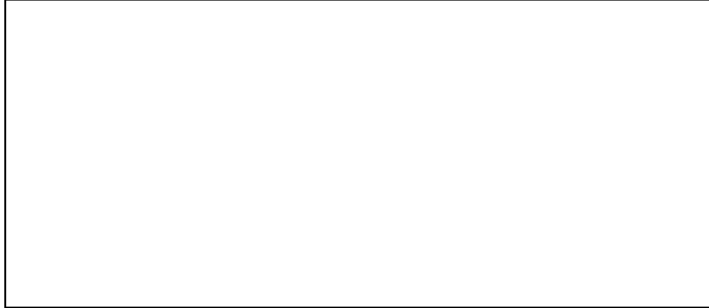
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**International Narcotics
Review**

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Perspective

South America: Certification Dilemmas

This year four countries—Colombia, Peru, Bolivia, and Paraguay—have been stigmatized by qualified US presidential certifications based on “vital US national interests.” Because they received less than full certification, all four countries appear concerned that they may be denied certification in the future. Such would exclude them from access to US aid and support for multilateral lending and probably shake the confidence of many foreign investors.

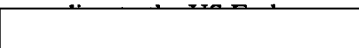

The potentially serious consequences of not being certified are fueling growing internal debate within some of these countries over the need to step up or adopt deeply unpopular antidrug measures—including forced drug crop eradication, extradition of traffickers, and the targeting of powerful narcotics kingpins. While these countries probably recognize, at least grudgingly, that US certification pressures provide them with incentives and opportunities to perform better, they also resent what they perceive to be Washington’s micromanagement of their domestic counterdrug programs and lament that the tough measures they are encouraged to adopt could lead to unrest. The governments are likely to try to persuade Washington that any shortfalls comprise a near miss. Some may be tempted to paint modest antidrug accomplishments as perhaps more important than warranted.

- A resumption of forced eradication almost certainly would lead to at least some violence. Two previous efforts in recent years had to be cut short when farmers and members of labor unions launched attacks on police and eradication workers. concern for violence is partly behind efforts by some members of the congress to legalize cultivation of all coca—thus undermining the basis for forced eradication.

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Washington's public approval of Bogota's antidrug performance is particularly important for the Samper administration in **Colombia** as it tries to emerge from the stigma of public allegations that its electoral victory was underwritten by the Cali drug mafia. Bogota also wants Washington's visible commitment that it will not interfere with Colombian access to loans from international financial institutions that the Samper administration believes are key to its ambitious social agenda; it appears less concerned over losing the modest amounts of direct US aid. Unless Samper is willing to put his political weight behind meeting the US conditions—to eradicate 11,000 hectares of poppy and coca crops, advance legislation concerning money laundering and asset forfeiture, close a trafficking haven on San Andres Island, capture and prosecute a drug kingpin or top lieutenant, abandon plea bargaining discussions with high-ranking traffickers, and halt the flow of drugs to the US aboard the Cali mafia's large jet airplanes—there is not likely to be much progress. Even then, the government faces significant challenges:

- Two conditions—advancing legislation and abandoning plea bargaining—require congressional actions over which President Samper has shown little ability to control. He recently decreed tougher terms for plea bargaining in drug cases, but the action has the force of law for only 90 days. We doubt that the congress—where kingpins wield significant influence—will enact the required measures by 30 June.
- Crop eradication efforts recently were seriously set back by stiff public opposition—probably fomented by the traffickers—and by a myriad of technical problems, 
- To capture a drug kingpin, stop drug flights, or close down San Andres Island, the government will have to overcome widespread corruption in the security forces that in the past has allowed Cali traffickers to stay a step ahead of the authorities. 

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[REDACTED]

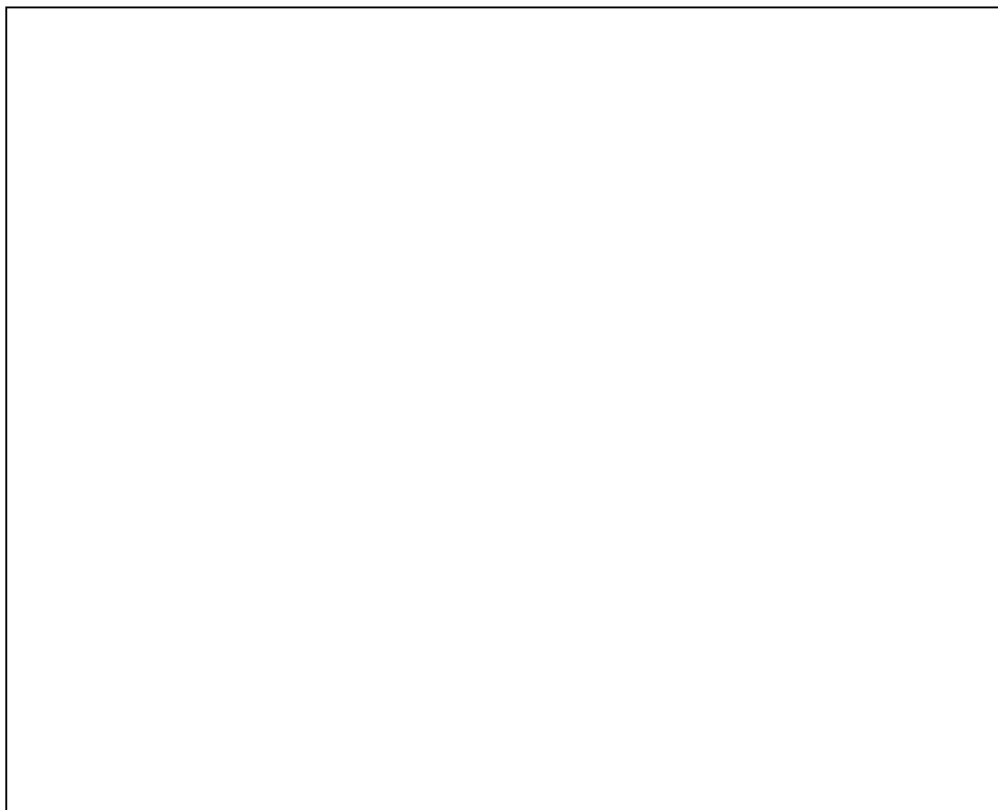
In **Peru**, President Fujimori already has demonstrated his willingness to forgo direct US counterdrug aid if attached to conditions he finds objectionable; in 1990, he refused more than \$30 million in military aid because he found the strings attached to be onerous. [REDACTED]

[REDACTED] As leader of the world's largest producer of raw coca, Fujimori faces a major dilemma in reducing mature drug crop cultivation—the key component of US certification goals:

- He has said repeatedly and publicly that he will not eradicate mature coca plants without substantial increases in alternative development aid because doing so would create undue hardships for peasant growers. He claims that any efforts that leave peasants penniless might prompt them to increase their support for antigovernment rebels.
- He has authorized the destruction of coca seedlings and plots of opium poppy because those efforts do not disrupt the livelihoods of peasants who already have active coca fields under cultivation. Even so, a lack of transportation support for eradication workers and difficulty in locating poppyfields have seriously impeded eradication efforts so far this year.
- Fujimori is likely to argue that the eradication of small seedbed plots is equivalent to the destruction of much larger plantations of mature coca.

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Colombia: Valdivieso Putting Pressure on the Traffickers

[REDACTED]

Since replacing Gustavo de Greiff in August 1994, Alfonso Valdivieso Sarmiento has attempted to reenergize the office of the Prosecutor General, or Fiscalía, in its efforts to attack Colombian narcotics traffickers. In stark contrast to de Greiff's often questionable positions concerning topics such as Colombia's surrender policy and sentencing guidelines, Valdivieso has used the office to consistently back aggressive legal measures designed to bring traffickers to justice, reduce institutional corruption, and strengthen penalties and sentences. [REDACTED]

[REDACTED]

The Unlikely Candidate Replaces the Loose Cannon

Valdivieso was widely considered the weakest of three candidates presented to the Colombian Supreme Court in August 1994 to replace de Greiff, who had reached mandatory retirement age, [REDACTED]

[REDACTED] The candidates—submitted in concert by former President Gaviria, President Samper, and Vice President De la Calle—were Valdivieso, former Attorney General Carlos Gustavo Arrieta, and the Dean of Javeriana University law school, Juan Carlos Esguerra. Arrieta and Esguerra were thought to be in a close contest for the position, with Esguerra generally believed to have a slight edge over Valdivieso and Arrieta. However, despite concerns about Valdivieso's lack of background with Colombia's criminal justice system, he was the overwhelming choice of the Supreme Court, who rejected both Gaviria's candidate (Arrieta) and Samper's choice (Esguerra). We believe that, out of consideration for Valdivieso's sparse legal

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credentials and other, broader political concerns, the Supreme Court ruled that Valdivieso could sit as Prosecutor General only for the remainder of de Greiff's term rather than a full four-year period and that he could not be reappointed at the end of his term. [redacted]

During his term as Prosecutor General, the controversial de Greiff exercised a great deal of independence, often disregarding administration and international pressure to adopt tougher positions on investigating and prosecuting drug traffickers. His view of the Colombian Criminal Procedure Code allowed for active cooperation with suspected narcotics traffickers. He offered lenient sentencing guidelines to surrendering/cooperating traffickers and provided legal documents ensuring safe passage to high-level traffickers whose cases were under investigation. In general, de Greiff, although never directly linked to corruption in the Prosecutor General's office, was reluctant to prosecute kingpins and their associates, and he often resisted cooperation with the United States in international efforts to target them, [redacted] press reporting. By the end [redacted] term, de Greiff, perhaps piqued by international criticism and poor relations with the Gaviria administration, publicly viewed the narcotics struggle as a failure and voiced support for drug legalization. [redacted]

Making a Difference in Prosecutions

Valdivieso has made numerous significant departures from de Greiff's track as Prosecutor General. While operating under the same Criminal Procedure Code as de Greiff, his interpretation and initiatives have been much more hard line. The most important and far-reaching of Valdivieso's initiatives concerns the indictment of two kingpins and trial in absentia of Miguel Rodriguez Orejuela. Almost immediately upon taking office, Valdivieso ordered that the administration of four outstanding cases against Cali kingpins Miguel and Gilberto Rodriguez Orejuela, Jose Santacruz Londono, and Helmer "Pacho" Herrera Buitrago be moved from Cali to Bogota, according to [redacted] press reporting. Since then, the Fiscalia issued an indictment against Miguel Rodriguez Orejuela for narcotics trafficking, and his trial in absentia—the first

such trial against a kingpin—began in early February 1995. Likewise, the Fiscalia has closed its investigation of Gilberto Rodriguez Orejuela and is expected to issue an indictment against him, [redacted]

We believe that the centralization of legal cases against the kingpins in Bogota will allow for much greater personal control by Valdivieso or trusted associates and is likely to reduce the level of corruption that surrounded them. [redacted]

[redacted] Valdivieso personally selected the Bogota-based prosecutors charged with handling all kingpin cases. This team of prosecutors conducted and closed its investigation of Miguel Rodriguez Orejuela in less than four months, in contrast to a similar investigation by the prosecutor's office in Cali that languished unresolved for over a year. In addition, Valdivieso removed corrupt prosecutors including the chief prosecutor in Cali and a former personal assistant to de Greiff who headed the investigation against Pacho Herrera, [redacted]

Removing Traffickers' Safeguards

In another glaring departure from his predecessor's stance, Valdivieso revoked guarantees of safe passage that de Greiff had issued to Pacho Herrera and two other Cali traffickers. De Greiff's questionable interpretation of the law provided near immunity to the traffickers during an 18-month review of their cases. Valdivieso publicly voiced his strong disagreement with this interpretation and revoked the guarantees, according to [redacted] press reports. [redacted]

Valdivieso also issued statements stressing that de Greiff's liberal interpretation of Colombia's surrender policy and the lenient sentences granted to traffickers would no longer stand. As part of a Cabinet-level commission convoked by President Samper, Valdivieso is currently studying the surrender process.

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While he admits that Colombia's surrender program is valid, he insists that the sentences should reflect the scope of the crimes committed, []

[] Confession remains an integral part of the surrender process; traffickers will not be granted credit for past cooperation with authorities, and the cases of those who received reduced sentences will be reviewed, according to press [] reports. []

Valdivieso recently stated that the issue of extradition should be revisited, indicating his frustration with the Colombian judicial process and possibly his commitment to countering the influence of narcotics traffickers. Although extradition of Colombian nationals was declared unconstitutional in 1991, Valdivieso, with the support of the chairman of the Constitutional Court, declared that the practice should be restored if traffickers' ability to evade Colombian law continues, according to [] press reports. Nevertheless, President Samper and other administration officials immediately rejected the proposition, and, despite Valdivieso's assertion and a recent poll that found that a majority of Colombians supports extradition, there is little chance that it will be reinstated. []

The Traffickers Respond

Traffickers undoubtedly are viewing Valdivieso's interpretations of the penal code with a measure of anxiety. They realize that, if fully implemented, these proposals will drastically reduce the legal options left to them. In response, traffickers have engaged in various attempts to counter his actions and to remove him from office:

Outlook

We believe that Valdivieso is sincere in his efforts to control the influence exerted by traffickers over Colombia's justice system and that the various trafficker reactions are evidence of his successes. The US Embassy often refers to Valdivieso as a major ally in the counternarcotics struggle and consistently gives him high marks for his initiative and willingness to work with US officials. In Colombia, Valdivieso's efforts are well received, and he is often referred to as one of the few creative and energetic members of the Samper administration. Valdivieso has garnered support from varied sectors of Colombian society, including many journalists and some members of the Samper administration, most notably Vice President Humberto De la Calle, according to Embassy and press reports. Valdivieso is viewed as honest and hardworking; the results of a recent poll by Semana magazine showed him to have a three-to-one approval rating and that public confidence in the Fiscalia had increased since he took office. (S NF)

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President Samper, on the other hand, has been lukewarm in his support of Valdivieso's initiatives. In addition to his strident opposition of extradition, Samper has been reluctant to enthusiastically back aggressive legal action against traffickers and has expressed contrary opinions with regard to Valdivieso's tougher surrender policies, according to State Department and press reporting. Samper does realize the necessity of strengthening Colombia's judicial system and at times has echoed Valdivieso's calls for its improvement. [REDACTED]

It is unclear if lasting change in the Fiscalía will survive long after the remaining 12 months of Valdivieso's tenure as Prosecutor General. The office and the position are largely personality driven, and many of the statutes that govern the post are open to the interpretation of the sitting Prosecutor General. Although Colombian traffickers will undoubtedly attempt to influence the appointment of a new Prosecutor General with opinions of the penal code more favorable to them, we believe that it will be difficult for Valdivieso's successor to depart radically from current interpretations. [REDACTED]

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Brazil: Traffickers Relying Increasingly on the Amazon River Network¹

As interdiction efforts in Peru and western Colombia are increasing pressure on cocaine traffickers, the Amazon River region—with its vast river network, ability to handle large cargoes, several Brazilian free trade zones, and largely uncontrolled border regions—continues to offer them an attractive alternative for drug and precursor chemical shipments. Traffickers are also taking advantage of the Brazilian Government's prolonged inability to monitor ports and cities in the region and their political influence in key cities. Initiatives by the Brazilian Federal Police (DPF) to curtail riverine trafficking in the Amazon region are limited by budgetary and manpower constraints.

and, increasingly, the western border regions in Brazil.

According to press reports, the chief of Interpol in Brazil has said that the Amazon River is one of the principal routes for moving cocaine from the interior of South America to the Atlantic coast.

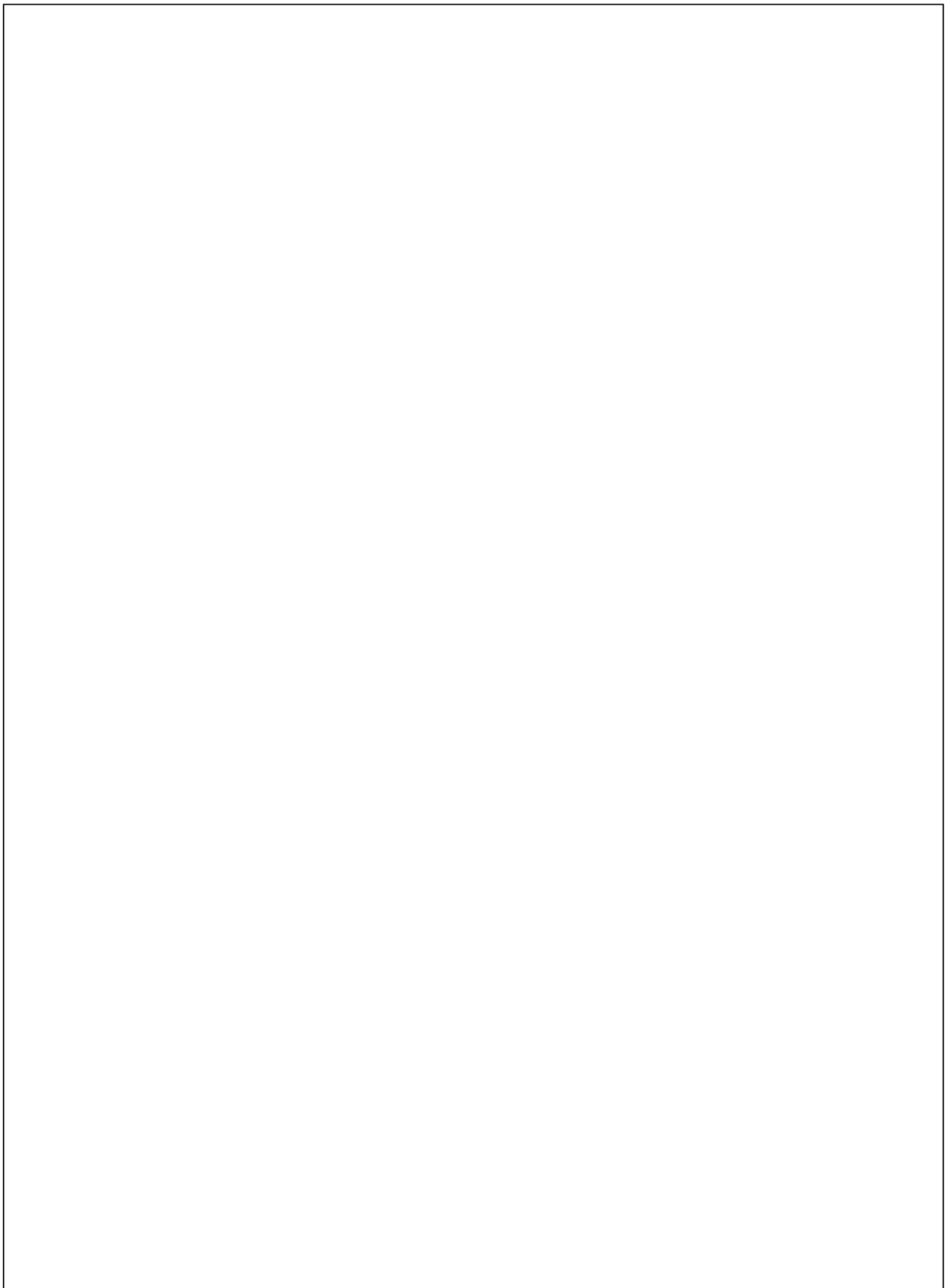
Traffickers Diverting Their Routes

The Amazon River and its tributaries serve as conduits for drugs bound eastward for domestic and international markets and for chemicals transiting westward to cocaine processing laboratories in Colombia, Peru,

Attractions for Traffickers

The Amazon River's ability to accommodate large-size vessels is a significant factor in facilitating trafficking through Brazil. An international waterway

¹ Traffickers move cocaine into Brazil by air, river, and overland. This article will discuss only riverine transportation methods from the Colombian and Peruvian border into Brazil.



over 5,500 kilometers long, with some places as wide as 10 kilometers, the Amazon handles commercial shipping for most of northern South America. Seagoing vessels displacing more than 40,000 tons routinely transit between Belem on the Atlantic coast and

Manaus, and vessels displacing up to 10,000 tons can transit the river to the Peruvian port of Iquitos. The large capacity of these vessels allows traffickers to conceal and transport sizable shipments of narcotics. ☐



Century-old reciprocal agreements between Brazil and bordering nations guaranteeing free transit of vessels along the Amazon system allow riverine traffic to flow virtually unchecked. Border control measures for vessels arriving and departing the Amazon Trapezium are virtually nonexistent.

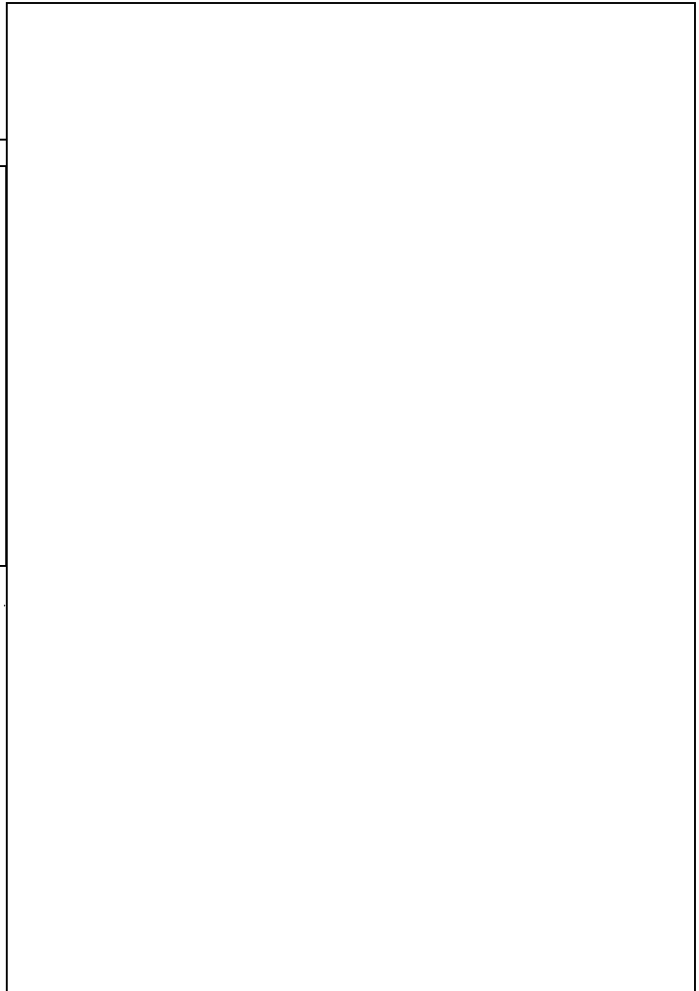


Trafficker influence in the river cities of Caballococha, Peru; Tabatinga, Brazil; and Leticia, Colombia—a center for the production of cocaine hydrochloride—is key to facilitating drug and chemical shipments through the Amazon Trapezium:

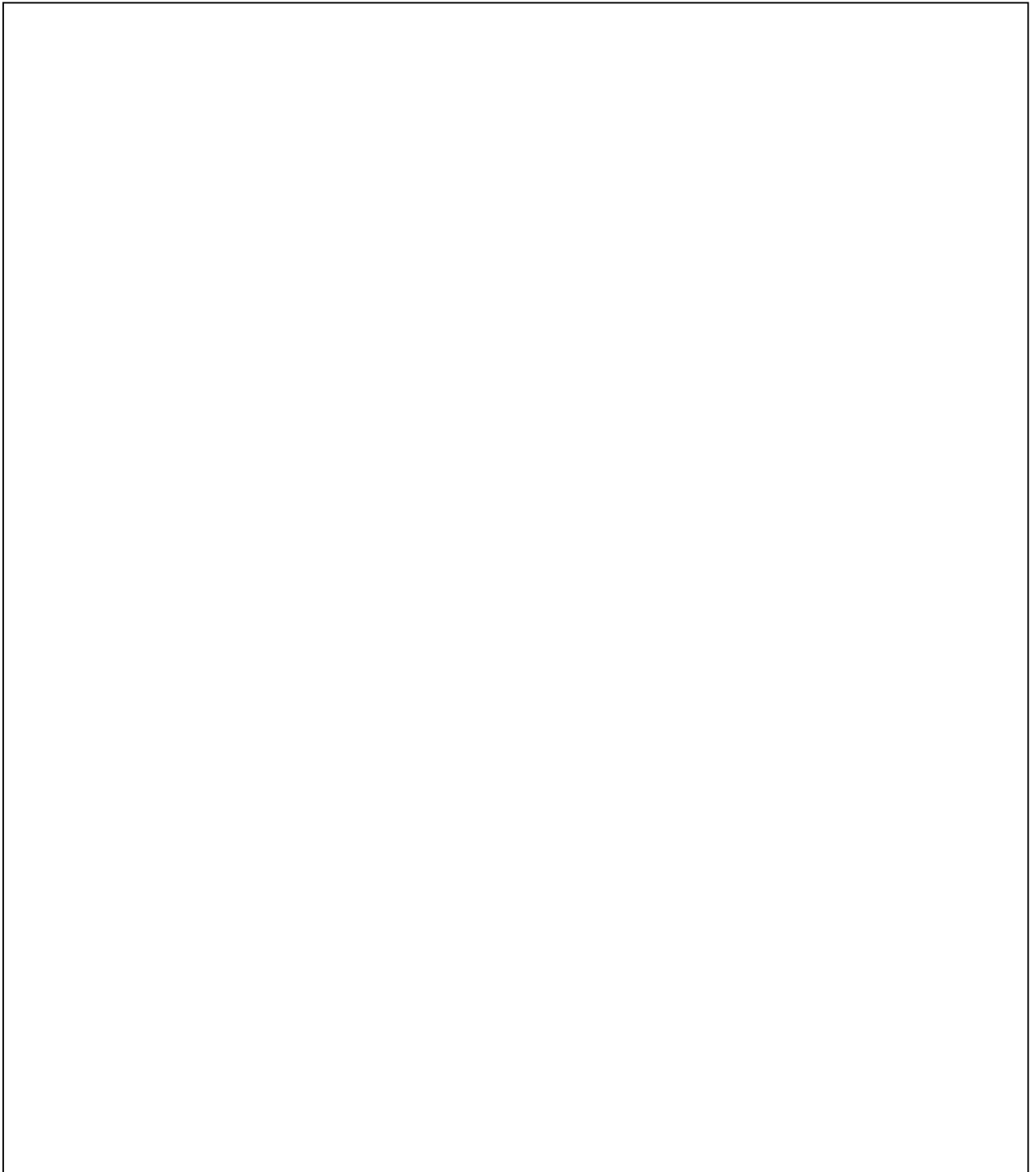


Key Traffickers in the Amazon Region

- *Abelardo Cachique Rivera—Peruvian trafficking group expanding operations near the Brazilian border.*

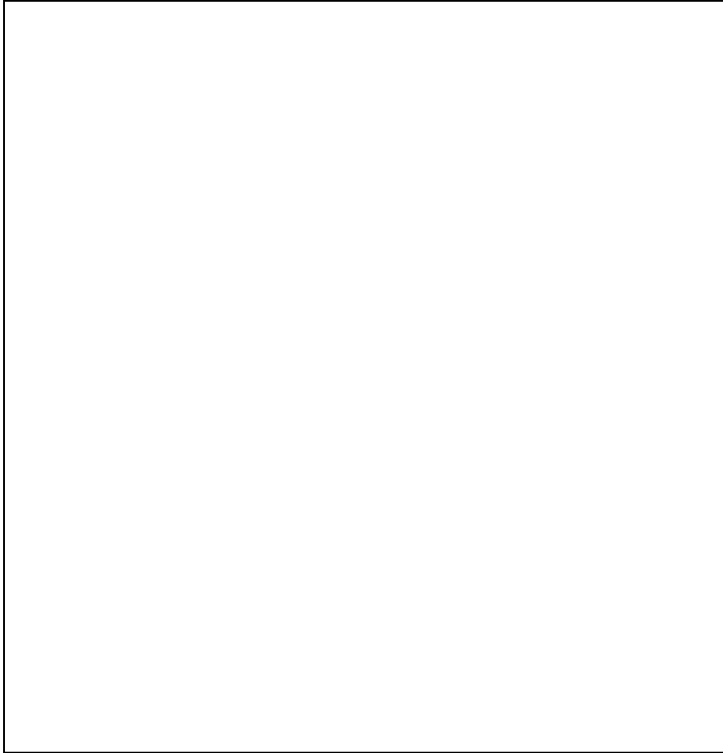


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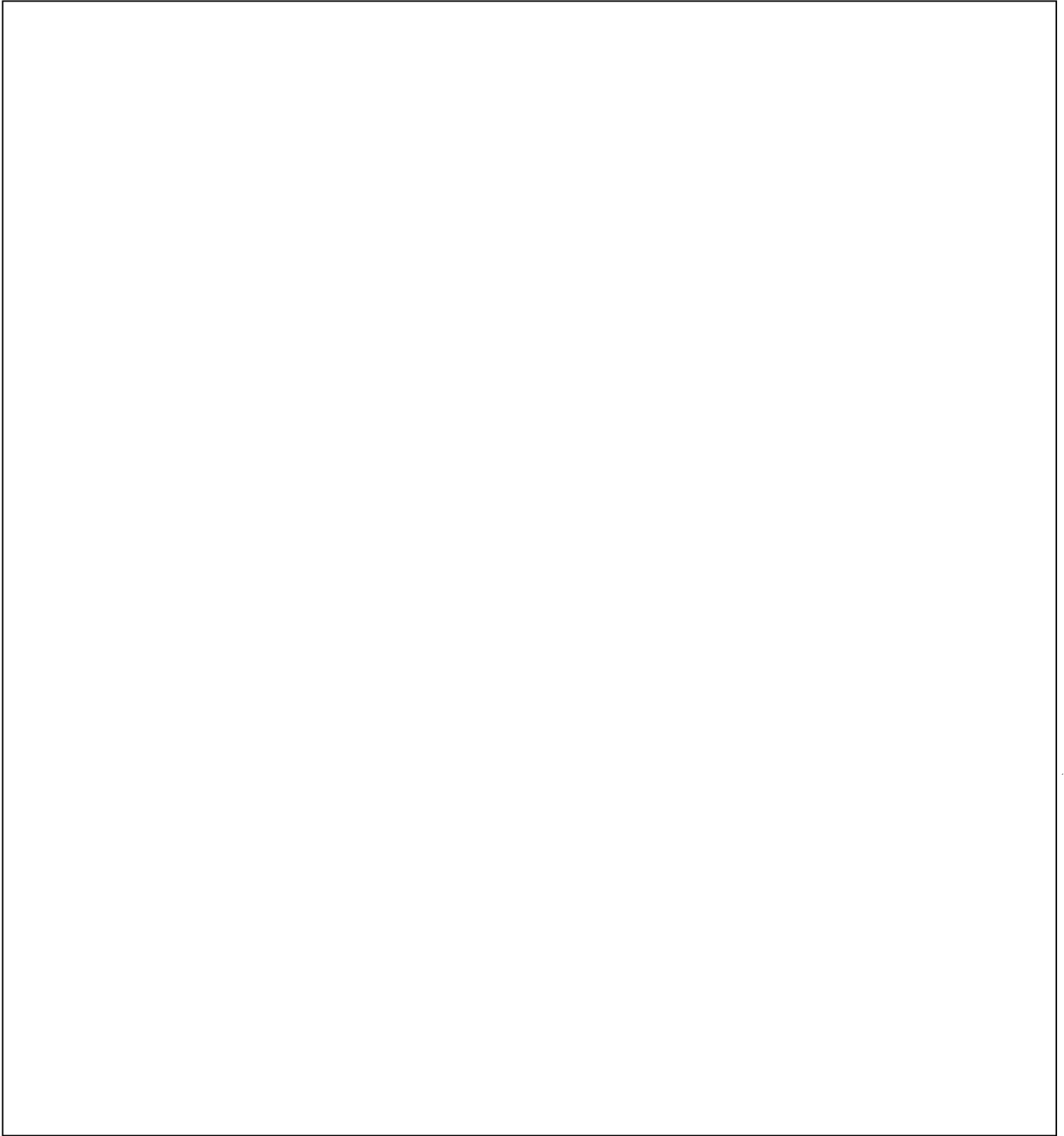
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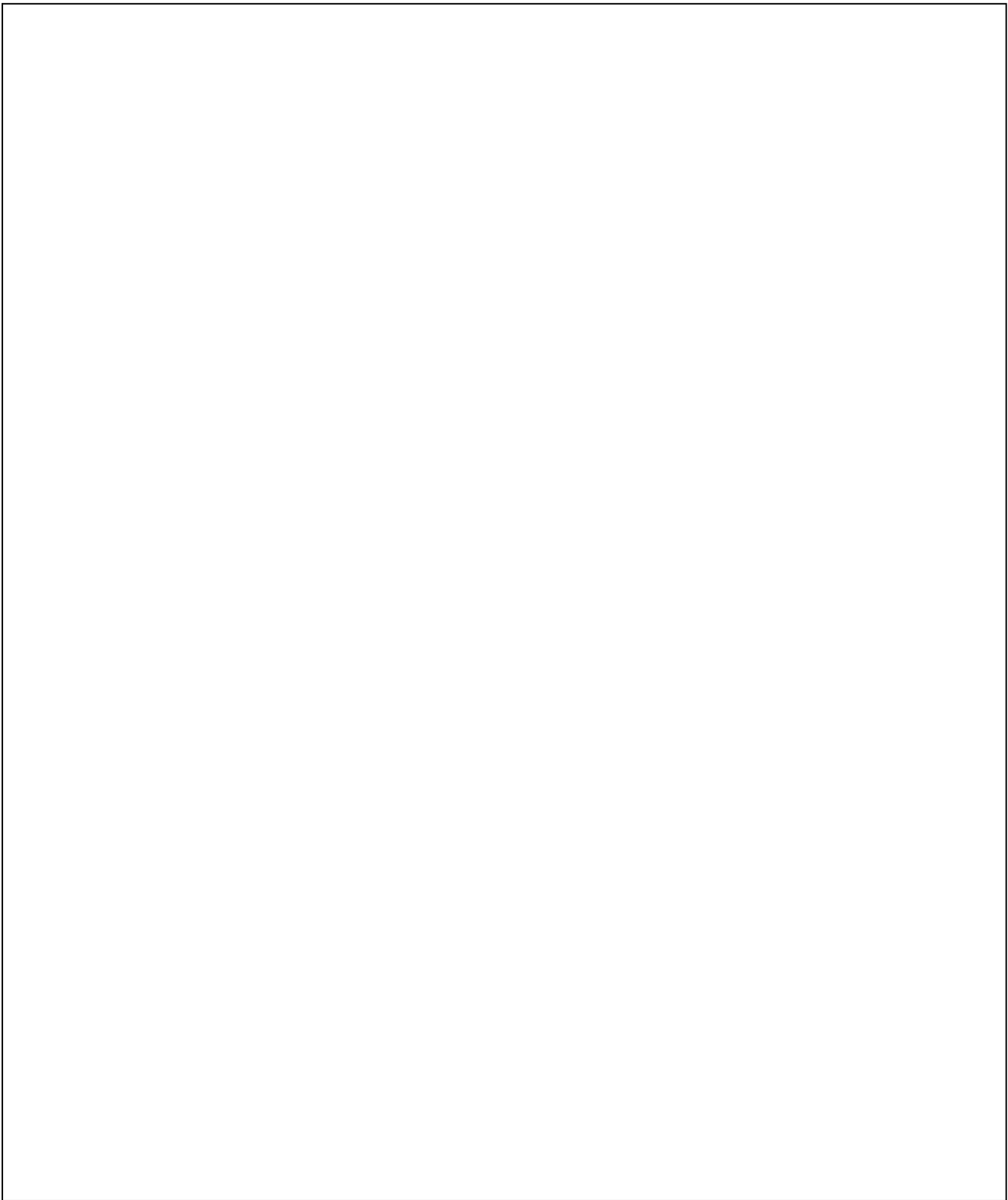
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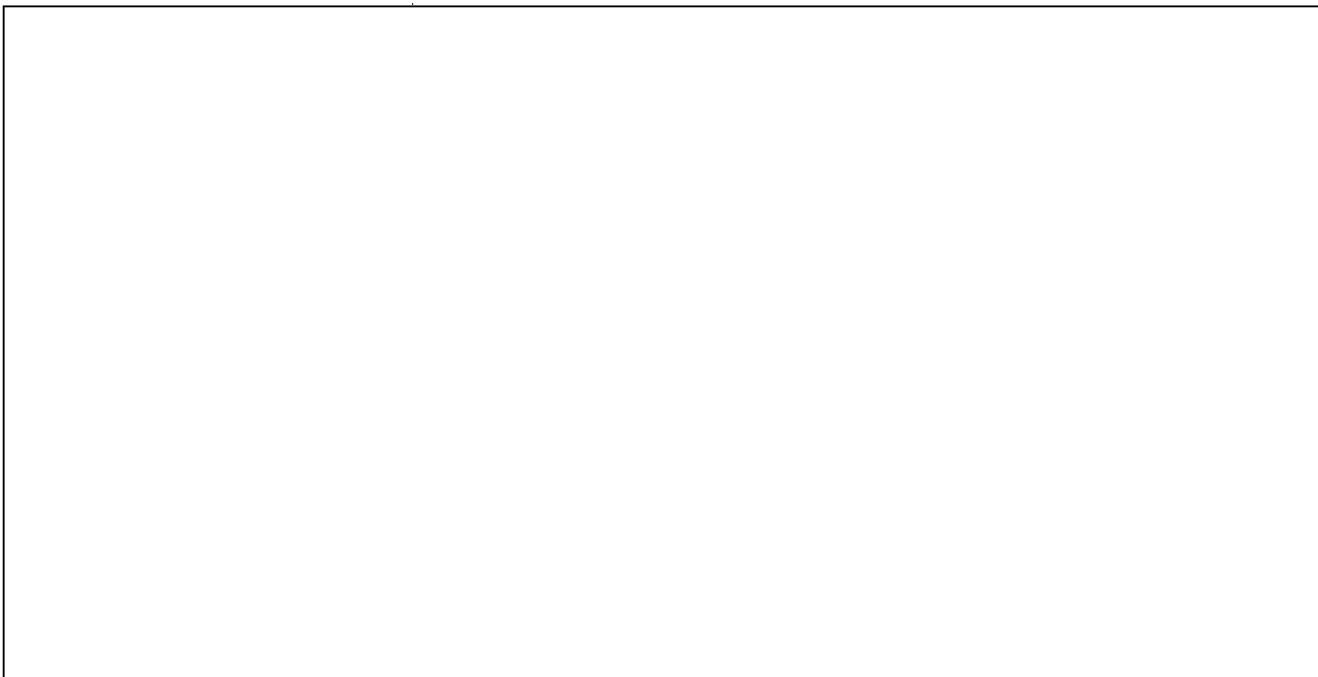
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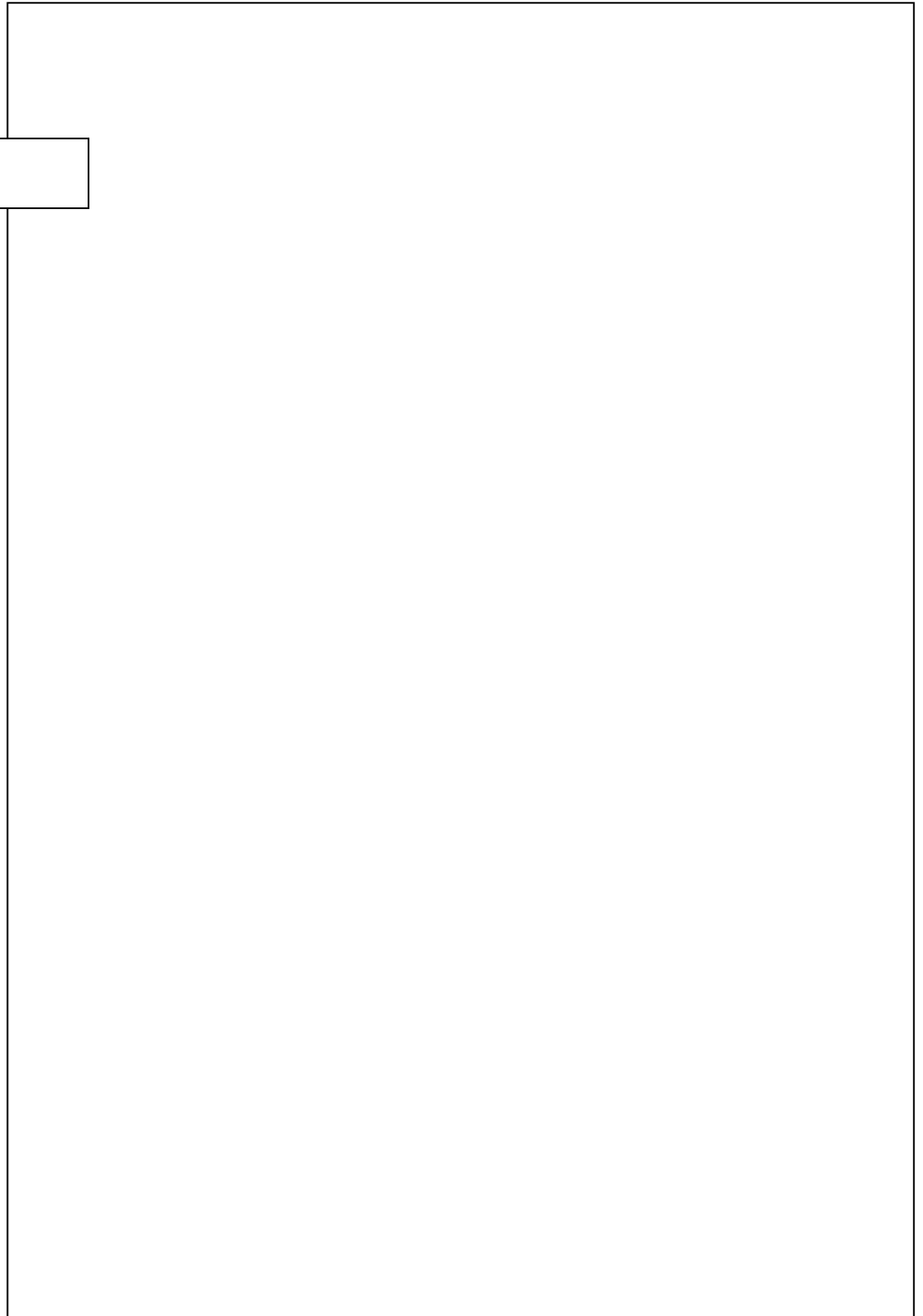
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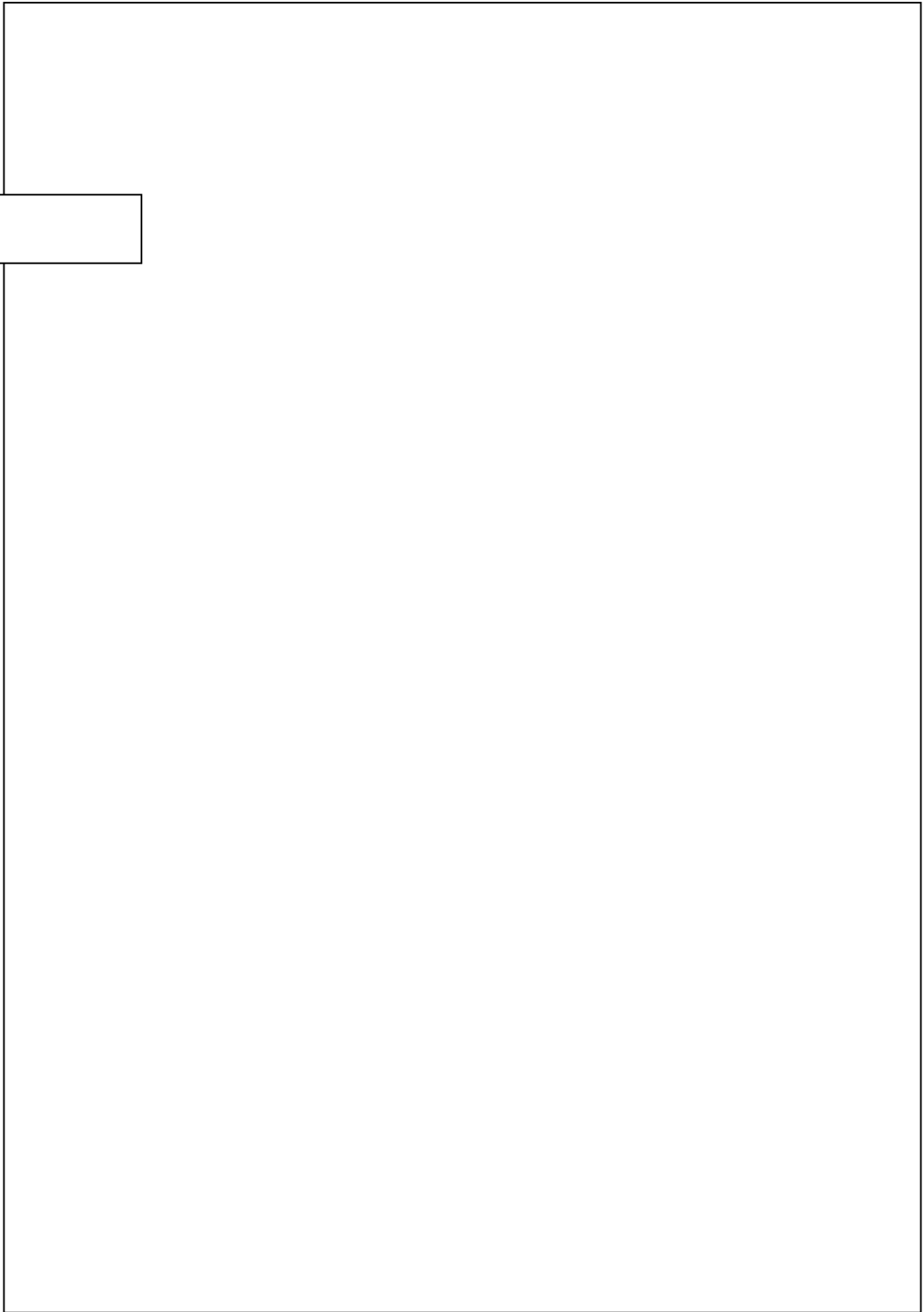
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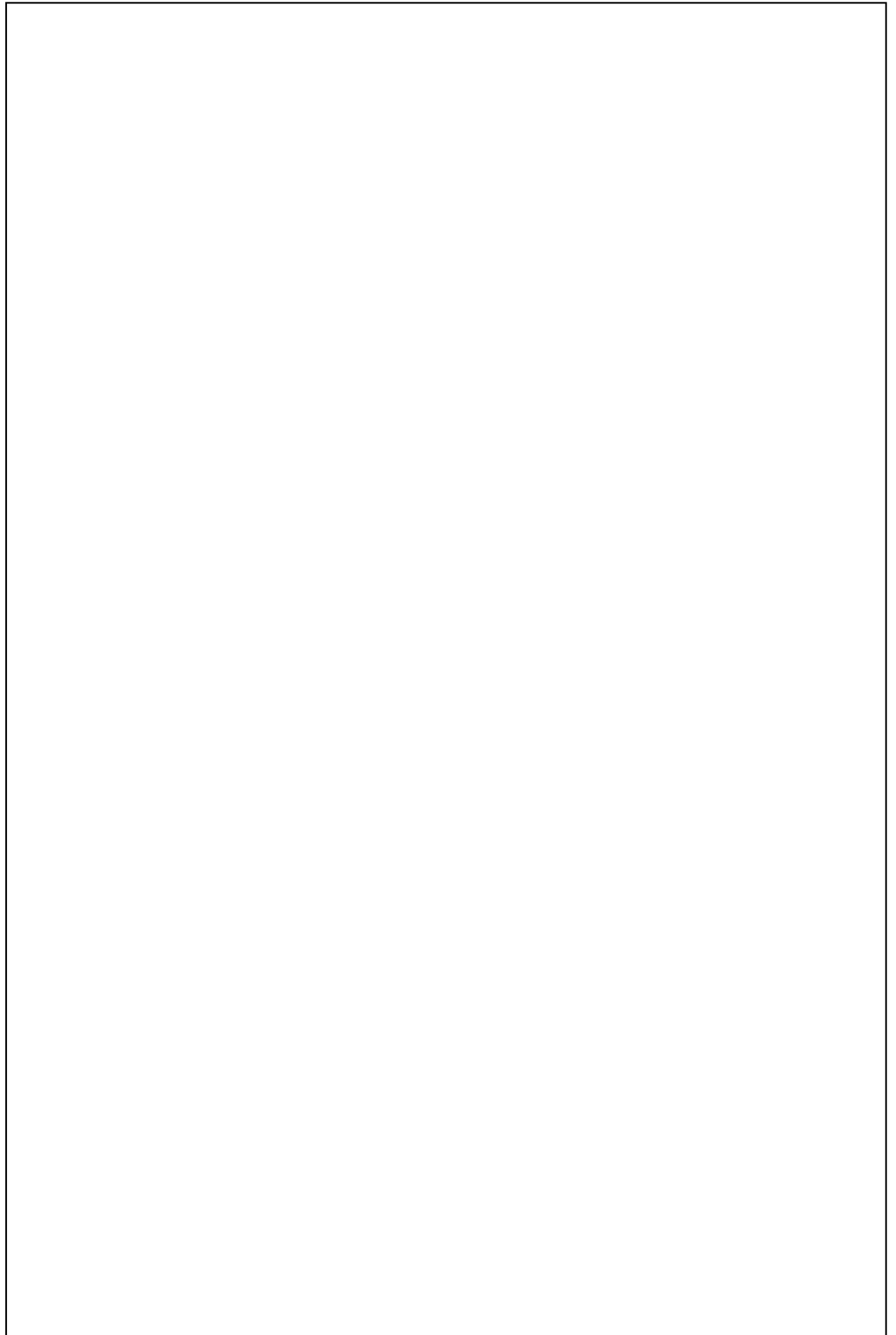


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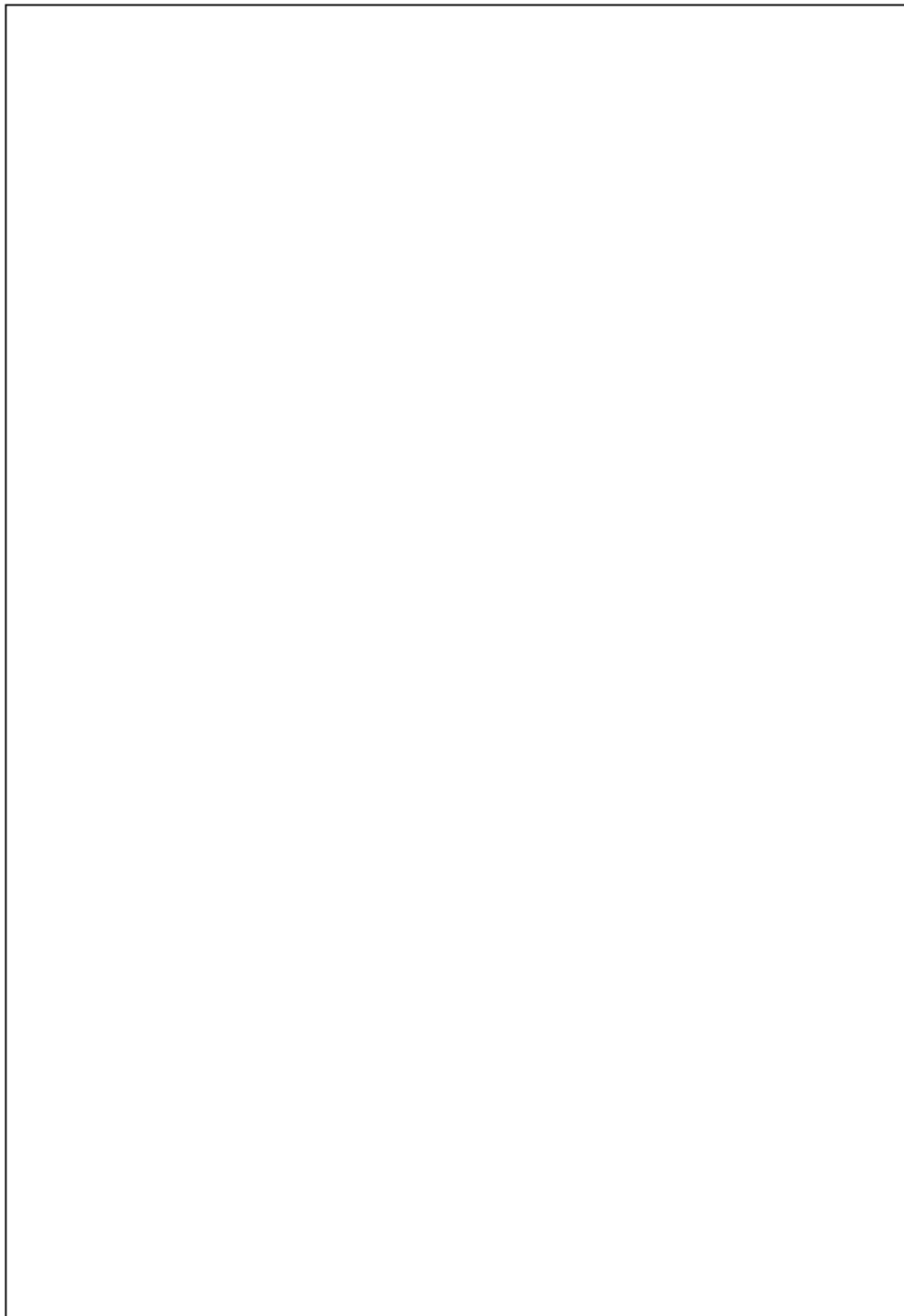
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